<div align="right">**ARC 8495B**</div>

PUBLIC HEALTH DEPARTMENT[641]

<div align="center">**Notice of Intended Action**</div>

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)*"b."*

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.9 and 135.11, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 172, "Declaratory Orders," Iowa Administrative Code.

This chapter provides a description of the form, content and filing of petitions for declaratory orders, the procedural rights of persons in relation to the petitions, and the disposition of the petitions. The proposed amendments strike the references to 1998 Iowa Acts.

Any interested person may make written comments or suggestions on the proposed amendments on or before February 16, 2010. Such written comments should be directed to Barb Nervig, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to bnervig@idph.state.ia.us.

These amendments are intended to implement Iowa Code section 17A.9.

The following amendments are proposed.

ITEM 1. Amend subrule 172.8(1) as follows:

172.8(1) Within the time allowed by ~~1998 Iowa Acts, chapter 1202, section 13(5)~~ Iowa Code section 17A.9, after receipt of a petition for a declaratory order, the department or designee shall take action on the petition as required by ~~1998 Iowa Acts, chapter 1202, section 13(5)~~ Iowa Code section 17A.9.

ITEM 2. Amend subrule 172.9(1), introductory paragraph, as follows:

172.9(1) The department shall not issue a declaratory order where prohibited by ~~1998 Iowa Acts, chapter 1202, section 13(1),~~ Iowa Code section 17A.9 and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

ITEM 3. Amend **641—Chapter 172**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202~~.